

HOUSE BILL REPORT

SB 5747

As Passed House:

March 1, 2022

Title: An act relating to the statewide master oil and hazardous substance spill prevention and contingency plan.

Brief Description: Concerning the statewide master oil and hazardous substance spill prevention and contingency plan.

Sponsors: Senators Stanford, Muzzall, Frockt, Nobles and Wilson, C.; by request of Department of Ecology.

Brief History:

Committee Activity:

Environment & Energy: 2/18/22 [DP].

Floor Activity:

Passed House: 3/1/22, 97-0.

Brief Summary of Bill

- Adds other federal and state agencies and Idaho to a list of entities that the Department of Ecology (Ecology) must consult with, and requires Ecology to invite consultation from federally recognized tribes, during Ecology's annual preparation and update of the statewide master oil and hazardous substance spill prevention and contingency plan (statewide master plan).
- Adds federally recognized tribes to a list of entities whose responsibilities for preventing and responding to spills must be stated in the statewide master plan.
- Directs Ecology, during the preparation of the statewide master plan, to require or schedule unannounced vessel oil spill drills to test the sufficiency of already required oil spill contingency plans for vessels.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

HOUSE COMMITTEE ON ENVIRONMENT & ENERGY

Majority Report: Do pass. Signed by 12 members: Representatives Fitzgibbon, Chair; Duerr, Vice Chair; Dye, Ranking Minority Member; Klicker, Assistant Ranking Minority Member; Abbarno, Berry, Fey, Goehner, Harris-Talley, Ramel, Shewmake and Slatter.

Staff: Megan McPhaden (786-7114).

Background:

Statewide Master Oil and Hazardous Substance Spill Plan.

The United States Coast Guard (USCG) and the United States Environmental Protection Agency (EPA) are the lead federal agencies responsible for coordinating emergency preparedness and response to oil and hazardous substance pollution incidents for the United States National Response Team. Under this framework, Regional Response Teams develop plans and coordinate preparedness and response among federal, state, tribal and local entities.

The Department of Ecology (Ecology) administers an oil and hazardous substance spill preparedness, prevention and response program, and must prepare and annually update a statewide master oil and hazardous substance spill prevention and contingency plan (statewide master plan). Under rules adopted by Ecology, the Northwest Area Contingency Plan, which is developed by a Regional Response Team, serves as the statewide master plan.

Among Ecology's oil spills program requirements, railroads transporting bulk oil, oil refinery, terminal, pipeline, and vessel operators must have oil spill contingency plans. The statewide master plan must take into consideration all oil spill contingency plans that are required by state and federal law or prepared by federal agencies and regional entities.

Consultation.

Among other requirements in state law, Ecology must consult with an advisory committee in preparing and updating the statewide master plan. The advisory committee must include diverse interests concerned with spills, including the USCG, the EPA, state agencies, local governments, port districts, private facilities, environmental organizations, oil companies, shipping companies, containment and cleanup contractors, tow companies, and hazardous substance manufacturers. Ecology must consult with federal, provincial, municipal, and community officials, the State of Oregon, and with representatives of affected regional organizations while preparing and updating the statewide master plan.

Oil Spill Drills.

In preparing and updating the statewide master oil and hazardous substance spill prevention and contingency plan (statewide master plan), Ecology must require or schedule unannounced oil spill drills to test the sufficiency of onshore and offshore facility

contingency plans for containment and cleanup of oil spills from the facility into state waters.

Responsibilities.

The statewide master plan must state the responsibilities of state agencies, local governments, and other specified entities for the prevention of, assessment, containment, and cleanup of a worst case oil or hazardous substances spill, and in an emergency response.

Summary of Bill:

Statewide Master Oil and Hazardous Substance Spill Plan.

Consultation.

Appropriate federal agencies, appropriate agencies from other states, the State of Idaho, and spill management contractors are added to the list of interested entities that must be consulted with during the Department of Ecology's (Ecology) preparation of the annual master oil and hazardous substance spill prevention and contingency plan (statewide master plan).

Ecology must invite consultation and engagement from federally recognized tribes while preparing the master plan.

Oil Spill Drills.

In preparing and updating the master plan, Ecology must require or schedule unannounced oil spill drills to test the sufficiency of the already required:

- onshore and offshore facility contingency plans for containment and cleanup of oil spills from a facility into Washington waters;
- tank, cargo, and passenger vessel oil spill contingency plans for containment and cleanup of oil spills from a vessel into Washington waters;
- emergency response system for vessels in distress in the Strait of Juan de Fuca and off the west coast of Washington; and
- large-scale, multiple plan equipment deployment drills of tank, cargo, and passenger vessel oil spills that may submerge or sink in water.

Responsibilities.

The statewide master plan must state the responsibilities of federally recognized tribes, among other parties previously identified, in the prevention of, assessment, containment, and cleanup of a worst case oil or hazardous substances spill, and in an emergency response.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) The statewide master oil and hazardous substance spill prevention and contingency plan (statewide master plan) requirements were established in the 1990s and last updated in 2004. Since then, the Department of Ecology's (Ecology) planning has become more inclusive and broader in scope. Ecology engages with many entities who bring diverse perspectives to annually updating the statewide master plan, so this bill formalizes the changes that have evolved over the years and are foundational to spills planning in Washington. Washington's spills program is respected across the nation and beyond. The bill provides certainty on current practices for unannounced drills, adds tribes for consultation and mitigation which is important, doesn't add costs for vessels, and it avoids impacts to supply chains while maintaining environmental protection.

(Opposed) None.

Persons Testifying: Amber Carter, Columbia River Steamship Operators Association; and Carlos Clements, Department of Ecology.

Persons Signed In To Testify But Not Testifying: None.